

Message Text

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70

ACTION ARA-10

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FM AMEMBASSY MANAGUA

TO AMEMBASSY GUATEMALA

INFO SECSTATE WASHDC 6485

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E. O. 11652: N/A

TAGS: CPRS, NU

SUBJECT: REQUEST FOR INFORMATION ON LAWS PROTECTING HISTORIC
MONUMENTS AND SITES

REF: GUATEMALA 1015

1. THE CONSTITUTION OF NICARAGUA, CHAPTER II, ART. 87, WHEN TALKING ABOUT PROPERTY RIGHTS, STATES: "FOR REASONS OF PUBLIC INTEREST, THE LAW CAN ESTABLISH RESTRICTION/OR PROHIBITIONS FOR THE ACQUISITION AND TRANSFER OF A DETERMINED KIND OF PROPERTY, BY REASON OF ITS NATURE, CONDITION OR LOCATION WITHIN THE TERRITORY. ONLY NATURAL NICARAGUANS COMPREHENDED IN PARAGRAPHS 1), 2) AND 3) OF ART. 17 OF THIS CONSTITUTION AND THE CORPORATIONS WHOSE CAPITALS ARE OWNED IN 51 PERCENT OR MORE BY THESE NICARAGUANS CAN BE OWNERS OR POSSESSORS OF REAL ESTATE, IN A STRIP TWENTY KILOMETERS WIDE THE LENGTH OF BOTH INLAND BORDERS. THE NATURALS OF STATES WHOSE LAWS DO NOT CONTAIN SIMILAR PROHIBITIONS, AND THE RIGHTS PREVIOUSLY ACQUIRED, ARE EXEMPTED FROM THESE DISPOSITIONS."

2. FROM TIME TO TIME CONGRESSMEN HAVE PRESENTED SPECIFIC LAW PROJECTS DECLARING HISTORICAL SITES OR BUILDINGS "NATIONAL MONUMENTS," PLACING THEM UNDER THE GUARDIANSHIP OF THE NATION. IN SUCH CASES NEITHER NATURAL NICARAGUAN NOR FOREIGNERS ARE PERMITTED TO HOLD OWNERSHIP.

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3. UNDER THE AGRARIAN LAW OF 1917 NEITHER A NATIONAL NOR A

FOREIGNER MAY ACQUIRE STATE-OWNED LAN WITHIN A ZONE TWO KILOMETERS
WIDE ALONG THE COASTS, WITH 800 METERS WIDE ALONG THE MARGIN
OF LAKES AND NAVIGABLE RIVERS, OR ISLANDS IN LAKES OR TERRITORIAL
WATERS, OR WITHIN A RESERVED ZONE ALONG THE SOUTHEASTERN
SHORE OF LAKE NICARAGUA. HOWEVER, LAND WHICH WAS IN
PRIVATE HANDS PRIOR TO 1917 MAY BE PURCHASED OR LEASED
FREELY BY NICARAGUANS OR FOREIGNERS.

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